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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,130	07/08/2003	Kiyoshi Takezawa	46449.0002	2400

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EXAMINER

BURNHAM, SARAH C

ART UNIT

PAPER NUMBER

3636

DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,130

Applicant(s)

TAKEZAWA ET AL.

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Lhuissier et al. (5,641,204). With respect to claim 1, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a main portion (unlabeled) and side portions (8), the main portion being interposed between the side portions (8), the side portions including boundary portion pulling slots (9) wherein boundary portion insert wires (11) are disposed along bottom portions (unlabeled) of said boundary portion pulling slots (9), and the main portion (unlabeled) including a main portion pulling slot (10) disposed substantially perpendicular to the boundary portion pulling slots (9); a cover assembly (20) covering a surface (4)(6) of the pad assembly (3), the cover assembly (20) including boundary portion pulling bags (26) pulled into the boundary portion pulling slots (9) and a main portion pulling bag (27) pulled into the main-portion pulling slot (10), wherein boundary portion end wires (30) are inserted into said

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boundary-portion pulling bags (26) and fixed to said boundary portion insert wires (11) by way of rings (29); and a main-portion end wire (32) inserted into the main portion pulling bag (28), the main portion end wire (32) having opposite end portion bent (33), the main-portion end wire (32) being placed into the main-portion pulling slot (10) with the bent opposite end portion (33) linked with the boundary-portion end wires (30) respectively.

With respect to claim 2, each of said boundary portion end wires (30) inserted into said boundary portion pulling bags (26) is a single wire.

With respect to claim 3, said main-portion end wire (32) hangs said main portion pulling bag (27) into said main portion pulling slot (10) by bending reaction force generated by bending said opposite end portions (33) of said main portion end wire (32).

With respect to claim 7, each of said boundary-portion end wires (30) is formed from a single wire, wherein said bent opposite end portions (33) of said main-portion end wire (32) are linked with intermediate portions (unlabeled) at holes (28) (see figure 3) of said boundary portion end wires (30) respectively.

With respect to claim 8, said boundary-portion pulling bags (26) respectively have cut portions (28) through which said intermediate portions of said boundary-portion end wires are exposed so as to be linked with said main portion end wire (32).

With respect to claim 9, said at least one insert wire (11) is formed from a U-shaped single wire in that it is an embedded "stiff metal wire 11 which follow the outline of the three slots 9 and 10" (column 3, lines 27-28).

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With respect to claim 10, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a plurality of pulling slots (9)(9)(10) extending in directions crossing one another; and a cover assembly (20) having a plurality of pulling bags (26)(26)(27) pulled into said pulling slots (9)(9)(10) correspondingly and respectively so that said cover assembly (20) covers a surface (4)(6) of said pad assembly (3); wherein at least one insert wire (11) is embedded in bottom portions of said pulling slots (9)(9)(10), while end wires (30)(32) are inserted into all of said pulling bags (26)(26)(27); and wherein opposite end portions (33) and (unlabeled) of said end wire (32) inserted into said pulling bag pulled into said at least one pulling slot (10) are bent (see figure 3), said bent opposite end portions (33) are linked with said end wires (30) of said pulling bags (26)(26) pulled into said pulling slots (9)(9) other than said at least one pulling slot (10), and when said end wire (32) with said bent opposite end portions (33) linked is forced into said at least one pulling slot (10), said pulling bag (27) having said end wire (32) inserted thereto is pulled into said at least one pulling slot (10).

With respect to claim 11, said at least one insert wire (11) is formed from a U-shaped single wire in that it is an embedded "stiff metal wire 11 which follow the outline of the three slots 9 and 10" (column 3, lines 27-28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lhuissier et al. (5,641,204). Lhuissier et al. reveals all claimed elements with out specifically stating that main-portion end wire is made from an elastic material. With respect to claims 4-6, the main-portion end wire (32) is a "stiff metal wire rod" (column 4, line 57) which inherently will bend and then return to its original shape under reasonable loads. It would have been obvious to assume that the wire (32) was made of an elastic material because an elastic force in the wire (32) must be present in order to create some tension in the connection between the seat pad (3) and the cover (20).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lhuissier et al. (5,641,204) in view of Mundell et al. (4,337,931). As disclosed above, Lhuissier et al. disclose all claimed elements with the exception of at least one insert wire comprises two insert wires.

Mundell teaches the use of two insert wires (10) located below slots (46) formed in seat cushion padding (38).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use at least two insert wires as taught by Mundell in the seat assembly revealed by Lhuissier et al. Such a modification would ensure that if one of the insert wires were to break, the cover assembly 20 would still be tightly pulled into the seat by the attachment to the second wire.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to seat covering systems in general:

- Tillner (6,048,025)
- Maruyama (4,718,718)
- Radke (3,632,164)
- Baruth et al. (3,649,974)
- Caudill, Jr. (3,961,823)
- Ramsey (4,317,591)
- Natoir (4,558,905)
- Mense (5,993,955)
- Homier (3,630,572)
- Nakai (6,003,939)
- Hauslein et al. (4,379,352)
- Sbaragli (EP 280 148 A1)


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB
August 4, 2004


Peter M. Cuomo
Supervisory Patent Examiner
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